UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/937,883	09/25/1997	SHIMON GRUPER	COLB-0083	2262

20741   7590   03/14/2002

HOFFMAN WASSON & GITLER
2361 JEFFERSON DAVIS HIGHWAY
SUITE 522
ARLINGTON, VA   22202

EXAMINER
FOLLANSBEE, JOHN A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 03/14/2002   26

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	08/937,883	GRUPER ET AL.
	Examiner	Art Unit
	John Follansbee	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2001</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>19-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>19-22</u> is/are rejected.

7)☒ Claim(s) <u>23</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

1.   Claims 19-23 are pending in the application.

2.   The examiner is unable to get a copy of the copyright. The examiner maintains that the

art of record submitted by Applicant (i.e., Secure4U) has a date of March 19, 1997. If Applicant

disagrees, a statement, stating that March 19, 1997 is not the date of the Secure4U published

document, will be sufficient to overcome the reference. The examiner feels that this

disagreement must in writing and of record in this application.

3.   Claim 23 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose

(5,144,660) in view of Shane (5,793,972).

6.   Rose shows the use of an apparatus for ensuring the integrity of computer applications to be run in association with a computer having data storage arranged sectorwise (i.e., disk) in a storage device, comprising:

apparatus for assigning a general enforcement file to each new program (i.e., defined write protected areas) (e.g. col. 4, lines 30-50);

apparatus for monitoring the program's attempt to make file accesses (i.e., col. 4, lines 30-50);

an enforcement device operative to treat attempts of the program to access files in the write-protected area as unacceptable (e.g. col. 4, lines 30-50).

Rose does not specifically show the use of a learning period. Rose does however state that virus program lie dormant and are triggered after a certain number of accesses, after a certain time, on a given date, or on some other trigger event (e.g. col. 1, lines 33-40). Shane shows the use of a learning period (i.e., number of acceptable unauthorized attempts within a predetermined period of time) (e.g. col. 10, lines 10-40) and denying access after the learning period (e.g. col. 10, lines 42-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Shane with Rose because it would provide for a reduction in the amount of the time required for the execution of an applet. In most systems which use sandboxes the applet is compiled with redirection codes or every file access is checked. By not having to check every access attempt and not having to compiler the code with redirection logic would provide for the applet to execute sooner on the browser.

7.   As per claim 20, it is rejected for similar reasons as stated above. Furthermore, Shane

shows the use of not denying access until the threshold occurs (e.g. col. 10, lines 10-50).   It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine Shane with Rose because it would provide for a reduction in the amount of the time

required for the execution of an applet.

8.   As per claim 21, it is rejected for similar reasons as stated above. Furthermore, Rose

shows the use of prompting the user upon occurrence of an attempt of the program to access files

not allowed to be accessed (e.g. col. 10, lines 10-40). "Official Notice" is taken that both the

concept and advantages of providing for specific permission is well known and expected in the

art. It would have been obvious to one of ordinary skill in the art to include specific permission

to the combined system of Rose and Shane because it would provide for supervised control of

unknown applets.

9.   As per claim 22, it is rejected for similar reasons as stated above.

10.   The following prior art is made of record:

a)   Mueller et al. (6,351,816)

b)   Bond et al. (6,275,938)

c)   Bruwer (6,166,650)

d)   Golan (5,974,549).

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
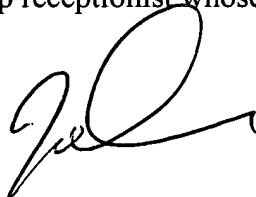
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to John Follansbee whose telephone number is (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703) 305-3900.

John Follansbee

March 5, 2002.   JOHN A. FOLLANSBEE
                                                  PRIMARY EXAMINER